

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:	)	Ch. 11
	)	
PHOENIX SERVICES TOPCO LLC, et al.,	)	Case No. 22-10906 (MFW)
	)	
Debtors <sup>1</sup> .	)	

**SUPPLEMENTAL DECLARATION OF FRANK M. LANAK IN SUPPORT U.S.  
SPECIALTY INSURANCE COMPANY’S OBJECTION TO THE JOINT  
PREPACKAGED CHAPTER 11 PLAN OF REORGANIZATION OF PHOENIX  
SERVICES TOPCO, LLC AND ITS DEBTOR AFFILIATES [Docket No. 753]**

I, Frank M. Lanak, of full age, make this declaration pursuant to 28 U.S.C. § 1746 as follows:

1. I am a Vice-President of U.S. Specialty Insurance Company (the “Surety”). I hereby supplement (the “Supplemental Declaration”) my original declaration given in support of the Surety’s Objection to the Joint Prepackaged Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC and its Debtor Affiliates on June 12, 2023 (“the “Original Declaration”) and am fully familiar with the facts contained in this Supplemental Declaration.

2. The Surety attached copies of two Bonds as an exhibit to the Original Declaration<sup>2</sup>.

3. Attached as **Exhibit A** hereto is a customs duty summary for the Bond identified in the Original Declaration as the BND Customs Bond.

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<sup>1</sup> The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Phoenix Services Topco, LLC (4517); Phoenix Services Parent, LLC (8023); Phoenix Services Holdings Corp. (1330); Phoenix Services International LLC (4693); Metal Services LLC (8793); Terracentric Materials LLC (0673); Cool Springs LLC (8687); Metal Services Investment LLC (2924); and Phoenix Receivables, LLC (not applicable). The Debtors’ mailing address is 4 Radnor Corporate Center, Suite 520, 100 Matsonford Road, Radnor, PA 19087.

<sup>2</sup> Unless otherwise defined herein, capitalized terms are defined in the Original Declaration.

4. This Customs Entry Summary indicates that the Debtor Metal Services, LLC imported two sets of merchandise into the United States on September 7, 2022 and January 24, 2023, respectively, which have yet to be liquidated.

5. The Customs Entry Summary further shows that the liquidation date for these shipments does not take place until August 4, 2023 and December 22, 2023, respectively.<sup>3</sup>

I declare under penalty of perjury that this Supplemental Declaration is true and correct to the best of my knowledge.

Executed: June 19, 2023

/s/ Frank M. Lanak

Frank M. Lanak

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<sup>3</sup> While the liquidation date is normally set at 12-months from entry, this may be stayed by Customs. In addition, Customs may reliquidate an entry 90 days after liquidation. 19 C.F.R. § 173.3; *see also* 19 U.S.C. § 1501 (“A liquidation made in accordance with section 1500 or 1504 of this title or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by U.S. Customs and Border Protection, notwithstanding the filing of a protest, within ninety days from the date of the original liquidation.”).